

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV470-1-MU
3:02CR242-MU

TROY LAMAR MORTON,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before this Court upon Petitioner's Motion Challenging Subject Matter Jurisdiction (Doc. No. 8), filed January 18, 2006.

Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence which was dismissed after an initial review on November 14, 2005. (Doc. Nos. 1 and 2). On November 28, 2005, Petitioner appealed this Court's dismissal of his Motion to Vacate to the United States Court of Appeals for the Fourth Circuit. (Doc. No. 4). On February 23, 2006, the Fourth Circuit dismissed, per unpublished opinion, Petitioner's appeal. (Doc. No. 10.) After the filing of his Notice of Appeal, but prior to the Fourth Circuit's dismissal of his Notice of Appeal, Petitioner filed the instant motion with this Court. After a careful review, this Court finds Petitioner's motion to be meritless.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion Challenging Subject Matter Jurisdiction (Doc. No. 8) is **DENIED and DISMISSED.**

Signed: September 7, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

